

REMARKS

This amendment is filed responsive to the Office Action of June 24, 2004, which was received missing at least pages 3 and 8. Applicant has contacted the Examiner to request copies of the missing pages but has not received the missing pages. In the interest of furthering prosecution, Applicant herewith responds to the Office Action using the information available in the received pages of the Office Action.

Claims 1-9 and 11-30 were rejected under 35 U.S.C. 102(e) as being anticipated by Philyaw et al. U.S. Patent Number 6,745,234 issued June 1, 2004 (hereinafter referred to as "Philyaw"). Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw in view of Buckley et al. U.S. Patent Number 6,445,871 (hereinafter referred to as "Buckley").

Applicant respectfully disagrees with the Examiner's 35 U.S.C. 102(e) rejections, but elects not to respond to such rejections at the present time. Rather, Applicant chooses to cancel claims directed to subject matter rejected under 35 U.S.C. 102(e). Applicant reserves the right to pursue claims to corresponding subject matter in a later patent application.

Applicant respectfully disagrees with the Examiner's 35 U.S.C. 103(a) rejection of Claim 10 and explains the allowability of original Claim 10 in remarks below.

In anticipation of the Examiner's ruling for allowability of original Claim 10 after considering Applicant's remarks thereto, Applicant amends the limitation of original Claim 10 into amended Claim 1. Amended Claim 1 is therefore believed to be allowable for the same reasons original Claim 10 will be shown to be allowable.

Claims 2-6 and 11-12 depend from amended Claim 1 and therefore are believed allowable for at least the reasons amended Claim 1 will be shown to be allowable.

Original Claims 7-10 have been canceled.

Claim 13 has been amended to incorporate a limitation parallel to the limitation of original Claim 10 and is therefore believed to be allowable for at least reasons parallel to the reasons original Claim 10 will be shown to be allowable.

Claims 14-15 have been canceled.

Claims 16-19 depend from amended Claim 13 and are therefore believed to be allowable for at least the reasons amended Claim 13 will be shown to be allowable.

Claim 20 has been amended to incorporate a limitation parallel to the limitation of original Claim 10 and is therefore believed to be allowable for at least reasons parallel to the reasons original Claim 10 will be shown to be allowable.

Claim 21- 24 depend from amended Claim 20 and are therefore believed to be allowable for at least the reasons amended Claim 20 will be shown to be allowable.

Claim 25 has been amended to incorporate a limitation parallel to the limitation of original Claim 10 and is therefore believed to be allowable for at least reasons parallel to the reasons original Claim 10 will be shown to be allowable.

Claim 26 has been amended to incorporate a limitation parallel to the limitation of original Claim 10 and is therefore believed to be allowable for at least reasons parallel to the reasons original Claim 10 will be shown to be allowable.

Claims 27-30 have been canceled.

As mentioned above, in her Office Action of June 24, 2004, the Examiner rejected original Claim 10 as being unpatentable over Philyaw in view of Buckley under 35 U.S.C. 103(a). Applicant believes the Examiner has not shown Buckley to teach the use of an “RF tag” as recited in original Claim 10 and amended Claim 1. Because the Office

Action was received missing page 8, Applicant doesn't know if the Examiner pointed out a specific location of the Buckley patent relied upon for the rejection. However, the Applicant was not able to find in the Buckley patent any mention of an RF tag.

An RF tag, also known as a "radio frequency tag", as recited by original Claim 10, is a type of portable data carrier. Thus, for the combination of Philyaw and Buckley to render original Claim 10 obvious, one would have to find reference to a radio frequency tag acting as a portable data carrier. Applicant notes that Buckley does claim and make reference to an "infra-red link or radio-frequency link" as alternative communication channels to a host computer. However, such reference does not reasonably teach or anticipate a portable data carrier in the form of an RF tag. The Examiner has thus not shown Buckley to contemplate the use of an RF tag in place of a bar code symbol.

For at least these reasons, the Applicant has shown original Claim 10 to be allowable. Accordingly, amended Claim 1, which contains the "RF tag" limitation of original Claim 10 is allowable. For at least similar reasons other Claims amended to limit a portable data carrier to an RF tag or radio frequency tag, and Claims depending therefrom, as specified above, have been shown to be allowable.

INFORMATION DISCLOSURE STATEMENT

The applicant encloses an Information Disclosure Statement herewith. Applicant notes that the disclosed issued U.S. Patent No. 6,669,087, entitled Method and Apparatus for Accessing Product Information Using Bar Code Data, invented by Wiklof et al. claims benefit from the same provisional patent application as the present application. The inventors are under obligation to assign their entire interest in the present application to the assignee of that patent.

Applicant believes this amendment and remarks to be fully responsive to the Office Action dated June 24, 2004. It is respectfully submitted that the claims as amended are now in condition for issuance. Applicant respectfully requests the examiner to grant

issuance with claims as now amended. The Examiner is invited to call Mr. Chris Wiklof at the telephone number indicated below for any communication that may aid in the advancement of this patent application to issuance.

Respectfully submitted



Christopher A. Wiklof

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425-415-6641

Encl:

- Transmittal Form SB 21
- Fee Transmittal SB 17
- Petition for Extension of Time
- IDS Cover Sheet (+1)
- Form PTO-1449 (substitute)
- Postcard
- Check